



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: RTS-0066
Inventors: Bennett et al.
Serial No.: 09/490,208
Filing Date: January 24, 2000
Examiner: Wang, A.
Group Art Unit: 1635
Title: Antisense Modulation of Inducible Nitric
Oxide Synthase

I, Kathleen A. Tyrrell, Registration No. 38,350, certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

On this date: May 15, 2000

Kathleen A. Tyrrell
Kathleen A. Tyrrell, Registration No. 38,350

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Reply to Restriction Requirement

This is a reply to the Restriction Requirement mailed April 28, 2000 setting a one (1) month statutory period for response. Please enter the following remarks into the record.

REMARKS

The Examiner has made the following Restriction Requirement:

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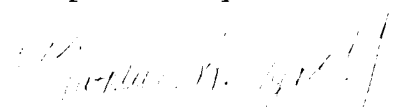
inhibition using said oligo, classified in class 435, subclass 6; and Group II, claims 15-20, drawn to a method of treatment using an antisense oligo, classified in class 514, subclass 44. The Examiner suggests that the inventions are distinct because the require materially different steps since the assay methods cannot be used in a method of treatment. Applicants respectfully traverse this rejection.

In accordance with MPEP § 803, there are two criteria which must be met for a proper restriction requirement. The first is that the inventions be independent or distinct; the second is that there would be serious burden on the Examiner if the restriction is not required. Searching uses for the antisense compositions of as set forth in Group II in addition to searching for the compositions of Group I does not present a serious burden to the Examiner. A search encompassing the compositions themselves would necessarily reveal prior art references describing their therapeutic use. Accordingly, this restriction requirement does not meet both criteria required to be proper. Withdrawal of this restriction requirement is therefore respectfully requested.

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In an earnest effort to be completely responsive, however,
Applicants elect to prosecute Group I, claims 1-14 with traverse.

Respectfully submitted,


Kathleen A. Tyrrell
Registration No. 38,350

Date: May 15, 2000

Law Offices of
JANE MASSEY LICATA
66 E. Main Street
Marlton, New Jersey 08053

(856) 810-1515

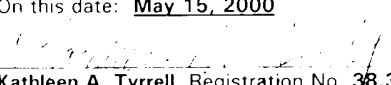


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Kathleen A. Tyrrell, Registration No. 38,350

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS
FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE
SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURE**


In response to the "Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures" dated April 28, 2000, a response to which is due May 28, 2000, enclosed herewith is:

() Amendment under 1.825;

- (XX) Substitute copy of the computer readable form of amended Sequence Listing;
- (XX) Copy of Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;
- () Petition for Extension of Time;
- () Other: _____.

The Commissioner is hereby authorized to charge any underpayment associated with this communication or credit any overpayment to Deposit Account No. 12-1086. This sheet is attached in duplicate.

Respectfully submitted,


Kathleen A. Tyrrell
Registration No. 38,350

Date: May 15, 2000

Law Offices of
Jane Massey Licata
66 E. Main Street
Marlton, New Jersey 08053

(856) 810-1515